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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 9

| | |
|------------------------|---------------------|
| Application Number | 10/798,935 |
| Filing Date | 03/11/2004 |
| First Named Inventor | Klatter |
| Art Unit | 2631 |
| Examiner Name | Rodriguez, Glenda P |
| Attorney Docket Number | AUSS 2003 0226 US1 |

ENCLOSURES (Check all that apply)

| | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
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| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
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| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---------------------|----------|--------|
| Firm Name | LALLY & LALLY, LLP. | | |
| Signature | | | |
| Printed name | Joseph P. Lally | | |
| Date | December 19, 2005 | Reg. No. | 38,947 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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| Signature | | Date | December 19, 2005 |
| Typed or printed name | Joseph P. Lally | | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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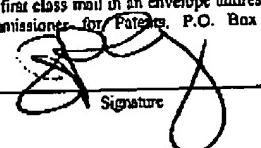
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|---|--------------------|----------------------|
| Applicant: | Kistler | § Art Unit: | 2651 |
| Serial No.: | 10/798,935 | § Examiner: | Rodriguez, Glenda P. |
| Filed: | March 11, 2004 | § Attorney Docket: | AUS9 2003 0926 US1 |
| For: | A Multiple Disk, Variable RPM Data Storage System for Reducing Power Consumption | | |

I, the undersigned Joseph P. Lally, hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the US Postal Service with sufficient postage as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 19, 2005
Date

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RESPONSE TO OFFICE ACTION DATED NOVEMBER 4, 2005

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This paper is submitted in response to the office action dated November 11, 2004 (the "Office Action") in the above referenced patent application after careful consideration to address the issues raised therein and to highlight why the case is believed to be in condition for allowance.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

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